



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 97,022-B1)

In application of:)	
)	
R. Terry Dunlay et al.)	
)	Examiner: C. Smith
Serial No. 09/723,256)	
)	Group Art Unit:1631
Filed: November 27, 2000)	
)	Conf. No. 5678
For: A System for Cell-Based Screening)	
)	

INTERVIEW SUMMARY

Box RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-14501

Dear Sir:

On June 30, 2004, the below-signed attorney for the Applicants participated in a telephone interview with Examiner Smith and Primary Examiner Marschel to discuss the rejections lodged in the office action dated April 2, 2004, in light of an amendment to claim 30 proposed by the Applicants' attorney. Specifically, the issues of written description and obviousness over the Cabib et al. reference cited by the Patent Office were discussed.

Examiners Smith and Marschel agreed that the proposed amendment, which is being entered in the response to the office action accompanying this interview summary, met the written description requirement, as the amended claim encompassed the use of the recited image analysis techniques to create the cytoplasm and membrane masks, and did not encompass the use of externally applied physical impediments outside of the cell and placed in a signal path to block fluorescent signals from reaching a signal detector.

Examiners Smith and Marschel also agreed that amended claim 30 overcame the obviousness rejection over the Cabib et al. reference.

Date:

7/9/04

Respectfully Submitted,

By:



David Harper

Reg. No. 42,636

McDonnell, Boehnen

Hulbert & Berghoff

300 South Wacker Drive

Chicago, IL 60606



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:

**Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Attorney Docket No.: 97,022-B1

Application No.: 09/723,256

Filing Date: November 27, 2000

First Named Inventor: R. Terry Dunlay, et al.

Group Art Unit: 1631

Examiner Name: C. Smith

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Interview Summary and One-Month Extension

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17 (i) required)
- b. ☐ Other

APPLICATION FEES		
BASIC FEE		\$ 770.00
<input checked="" type="checkbox"/> Extension of Time fee	+\$	\$ 110.00
<input type="checkbox"/> Other	+\$	\$
Total of above calculations =		\$ 880.00
Reduction by 50% for filing by small entity =		\$ ()
TOTAL =		\$ 880.00

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RCE REQUEST TRANSMITTAL

Attorney Docket No. 97,022-B1

3. ☒ Please charge my Deposit Account No. 13-2490 in the amount of \$880.00.
4. ☐ A check in the amount of \$ is enclosed.
5. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 13-2490:
- a. ☒ Fees required under 37 CFR 1.16.
 - b. ☒ Fees required under 37 CFR 1.17.
 - c. ☒ Fees required under 37 CFR 1.18.
6. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.

7. CERTIFICATE OF MAILING OR TRANSMISSION

☐ I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office at 703-872-9306, or being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date indicated below.

☒ I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below. Express Mail No. EV333557758US.

8. USPTO CUSTOMER NUMBER**20306****McDonnell Boehnen Hulbert & Berghoff LLP****9. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name David S. Harper

Reg. No. 42,636

Signature 

Date July 9, 2004

RCE (Rev. 11/27/00)



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RESPONSE TO THE OFFICE ACTION MAILED APRIL 2, 2004

Box RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-14501

Dear Sir:

In response to the Office Action mailed April 2, 2004, Applicants respectfully request reconsideration of the pending claims in view of the following remarks.